

Message

From: Yannayon, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0EC245483F2D4762801CD01D01220F92-LYANNAYO]
Sent: 5/20/2019 8:32:17 PM
To: Brian Clerico (Brian.Clerico@arb.ca.gov) [Brian.Clerico@arb.ca.gov]
Subject: Question about Placer Rule 501 exemption for ag sources
Attachments: PLA 501 Clean working copy.pdf

Hi Brian,

I am currently reviewing revisions to Placer County Rule 501, General Permit Requirements, which they adopted back in 2010. In the rule they collected several older permit related, but mostly administrative short rules and placed them into this single rule. Note also, that for SIP purposes, Placer county has 3 air basins and some of the rules only applied to certain air basins. A real hodge-podge that I am trying to clean up with an approval of Rule 501, which applies to all three air basins.

Of concern, and the reason I'm writing you, is the exemption they provide for Ag. sources. I don't think they got it quite right. Please see Section 114, which states the typical CA exemption for Ag. Sources, but then states that the "exemption does not apply to an agricultural source, as defined in this Rule, that is:" 114.1: a major source or major mod as defined in Rule 502 (paraphrased), or 114.2: a stationary source that emits in any 12-month period more than 50% of any air pollutant (paraphrased).

These exceptions to the exemption seem appropriate, but the wording of the exception is confusing, since it first states that it does not apply to agricultural sources as defined in Section 202, which basically reads the same as the exemption "sources used in the production of crops or the raising of fowl or animals... including but not limited to the following criteria: 202.1: basically a confined animal facility (with no animal counts) and 202.2: IC engines used in the growing of crops or raising of fowls. If this is read to mean that the Ag. sources as defined in Rule 202 are excluded from the exemption, than all ag sources, including CAFO's require permits, which of course cannot be correct. If it is read to say those two Ag. Sources are exempted only if their emissions are below the emission thresholds specified in Section 114 (i.e., a major source or a source with emissions greater than 50% of a major source), then IC engines are exempted up to those thresholds as are CAFOs. It seems it would be very difficult to determine the actual emissions of a CAFO, and I thought that is why CARB specified a specific number of animals for this exemption. Thus I would say that this provision is not clear and not enforceable. Second, I thought under SB700, they could not exempt Ag. Engines, but instead had to require permits, notwithstanding the emissions based thresholds.

Can you please take a look at these provisions in the near future (by early next week would be great), and help me sort it out? I'm afraid that EPA will have to disapprove for this provision, for the reasons I stated above, but I would appreciate your input before I write up the disapproval element.

Please feel free to give me a call if you have any questions. I'm attaching a copy of submitted Rule 501 for your reference.

Thanks!

Laura